

Message Text

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EUR/WE - MR. MANGER

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FM SECSTATE WASHDC

TO AMEMBASSY THE HAGUE

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E.O. 11652: N/A

TAGS: ETRN, NL

SUBJECT: CIVAIR: CHARTER AGREEMENT

REF: A) THE HAGUE 2982; B) THE HAGUE 3236

1. GON PROPOSAL TO AMEND CHARTER RULES TO PROVIDE FOR 60-DAY ADVANCE BOOKING REGIME DOES NOT RPT NOT RAISE ANY PROBLEMS FOR US, BUT USG VIEW IS THAT SUCH CHANGE FOR US-NETHERLANDS FLIGHTS WOULD HAVE TO BE REFLECTED IN AMENDMENT TO MEMO OF UNDERSTANDING OF JULY 11, 1973. REASON IS THAT ACCEPTANCE OF "ANY AMENDMENTS" TO ABC RULES (SEE FOOTNOTE 2 OF UNDERSTANDING) REFERS IN US VIEW ONLY TO AMENDMENTS WHICH REFLECT SO-CALLED "OTTAWA PRINCIPLES" ON CHARTERS, AND THAT 60-DAY REGIME WAS NOT ENVISIONED THEREIN. FYI: USG TOOK THIS POSITION IN JAN-FEB TALKS WITH FRANCE, GERMANY AND UK AND SUCCEEDED THEREBY IN OBTAINING CERTAIN RELATED OBJECTIVES. END FYI.

2. IN THE TALKS WITH THE UK, FRANCE AND GERMANY, THE DELEGATIONS AGREED THAT OTHER ASPECTS OF CHARTERWORTHINESS RULES ARE INTERRELATED WITH THE ADVANCE BOOKING CONCEPT.

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CONSEQUENTLY VARIOUS CHARTERWORTHINESS MATTERS RELATING TO

AFFINITY, SPECIAL EVENTS, COMMINGLING OF CHARTER TYPES, ETC., WERE ADDED TO THE UNDERSTANDINGS WITH ALL THOSE COUNTRIES. SUBSEQUENT TO NEGOTIATIONS WITH FRANCE, FRG AND UK, USCAB ISSUED NOTICE OF PROPOSED RULE MAKING, PROPOSING TO CHANGE THE 90-DAY TRAVEL GROUP CHARTER LIST FIL-

ING PERIOD TO 60 DAYS AND MAKE OTHER RELATED CHANGES IN TGC RULES. AT SAME TIME CHAIRMAN OF CAB ANNOUNCED THAT CAB WOULD SOON BE ISSUING NOTICE OF PROPOSED RULE MAKING, PROPOSING TO CREATE A "SPECIAL EVENT" CHARTER. ACCORDINGLY, SINCE EACH PARTY HAS "ADVANCE CHARTER" RULE CHANGES PRESUMABLY ACCEPTABLE TO THE OTHER, EMBASSY SHOULD PROPOSE TO DUTCH AUTHORITIES AN AMENDMENT TO MEMORANDUM OF UNDERSTANDING WHEREBY EACH PARTY WOULD ACCEPT THE OTHER'S "ADVANCE CHARTER" RULE CHANGES REGARDING 60-DAY FILINGS AND RELATED DETAILS. A SOMEWHAT LESSER COMMITMENT TO "USE BEST EFFORTS" TO ACCEPT "SPECIAL EVENT" CHARTER, AN OFFSHOOT OF "ADVANCE CHARTERS," WOULD ALSO BE USEFUL, EVEN THOUGH SUCH CHARTERS ARE EXPECTED TO BE FAIRLY RARE.

3. RE PARA 4 REFTTEL A, IT WILL BE RECALLED THAT IN FEBRUARY 1973 TALKS DUTCH TOOK STRONG EXCEPTION TO PROPOSAL FOR SUBSTITUTION UNTIL FLIGHT DEPARTURE UNDER THE EXISTING TRAVEL GROUP CHARTER RULE (SEE PARA 3 OF MEMORANDUM OF CONSULTATION), WHILE USDEL STRESSED THE CUSTOMER PROTECTION RELATIONSHIP OF SUCH SUBSTITUTION TO PRO RATA PRICING (SEE PARA 4 OF MEMORANDUM OF CONSULTATION). WE BELIEVE IT IS NOW APPARENT THAT SUBSTITUTION UNTIL DEPARTURE HAS NOT CREATED PROBLEMS FOR GON. SIMILARLY, THE CURRENT CAB PROPOSAL TO ADOPT THE EUROPEAN 15 PERCENT SUBSTITUTION STANDARD (DOWN FROM 20 PERCENT), BUT AT SAME TIME TO ELIMINATE THE STANDBY LIST (WHICH HAS NOT PROVEN TO BE A HELPFUL TOOL ON EITHER SIDE OF THE ATLANTIC) IS LINKED TO CUSTOMER PROTECTION AND SHOULD NOT CREATE PROBLEMS IF ADOPTED.

4. SHOULD GON WISH TO PROCEED ALONG FOREGOING LINES, NEGOTIATION OF AMENDMENTS COULD BE HANDLED BY EMBASSY ON BASIS OF LANGUAGE TO BE SUPPLIED BY DEPARTMENT. SISCO
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